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C O N F I D E N T I A L SECTION 01 OF 02 ASTANA 001850

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SUBJECT: KAZAKHSTAN - RELIGION LAW AMENDMENTS HEADED TOWARD
SECOND MAZHILIS READING

REF: ASTANA 1107 (NOTAL)

Classified By: Pol-Econ Chief Steven Fagin, Reasons 1.4 (b) and (d)

SUMMARY

1. (C) The Mazhilis will hold its second reading on a package of amendments to Kazakhstan's religion law on September 24. The latest text is an improvement over the June version that was passed at the first reading, although it still includes several problematic provisions. Civil society and religious contacts maintain that this latest text remains far too restrictive, but they predict that it will pass the Mazhilis unchanged. NGO sources passed us a document with remarks purportedly made at a closed government meeting by Presidential Administration Deputy Chief Maulen Ashimbayev, which indicate that exerting greater control over "non-traditional" religious groups is an important priority for the government. End Summary.

FURTHER IMPROVEMENTS ...

2. (SBU) The Mazhilis working group responsible for amendments to Kazakhstan's religion law has announced that the draft text is ready for a second Mazhilis reading, which is scheduled for September 24. If the legislation passes without changes, it will move to the Senate for consideration. Since the legislation went through a first reading on June 10 (see reftel), the working group has made several more changes to the text. (Note: The Mazhilis usually approves the general concept of a piece of legislation at the first reading, and reserves provision-by-provision review for the second reading. End Note.) The June text was a clear improvement over the original legislation introduced in May. The latest version appears to incorporate several further improvements, most notably as follows:

-- A proposal for a restrictive definition of a religious confession (as a "movement known throughout the region, with historic recognition") has been removed. Instead, the latest text retains a broader definition that exists in current law.

-- Several proposed restrictions on missionary activities have been removed, including (1) a requirement to obtain the permission of neighbors for activities conducted in private homes, and (2) a ban on missionary activities in secular institutions, public places, and on the streets.

... BUT PROBLEMATIC PROVISIONS REMAIN

3. (SBU) Despite the abovementioned changes, the latest draft nevertheless still contains a number of points of concern. In particular, a religious group would still have to have at least fifty members to register. Groups with fewer than that number would be barred from proselytizing and from renting public places for services, though they would be

allowed to publish their own religious literature. The latest draft would also require oral permission from parents for minors to attend religious events, and would levy fines on religious organizations for failing to comply with this provision. In addition, the Ministry of Justice's Religious Issues Committee (the body responsible for registering religious groups) would retain broad powers to review, suspend, and deny registration to organizations, and all religious organizations would be required to re-register within one year.

CIVIL SOCIETY SAYS "CONCEPT" OF LAW IS WRONG

14. (SBU) Key NGO leaders remain highly skeptical of the most recent changes introduced into the legislation. Almaty Helsinki Committee head Ninel Fokina and Association of Religious Organizations of Kazakhstan head Alexander Klyushev told us separately on September 17 that "the concept of the law is deficient" and the legislation itself, not its individual provisions, must be rethought. Klyushev said if the current text becomes law, a pastor who decides to meet with believers in a neighboring district would have to separately register with the authorities in that district, something Klyushev called a "dramatic infringement on religious freedom." Fokina contended that the draft law would "destroy Kazakhstan's image as a liberal country tolerant to diverse faiths." Both Fokina and Klyushev strongly believe that the latest text will pass through a second Mazhilis reading unchanged. They intend to direct their lobbying efforts at the Senate, with the hope of stopping the legislation there.

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TIGHTER CONTROL A GOVERNMENT PRIORITY

15. (C) Klyushev asserted to us that the amendments to the religious law are just one part of a broader drive on the part of the government to increase control over "non-traditional" religious groups. As proof, he presented us with a copy of a statement Presidential Administration Deputy Chief Maulen Ashimbayev purportedly made in August at a closed high-level government meeting on the government's priorities in domestic policy. (Comment: The same statement was passed to us by Fokina. Both Klyushev and Fokina said they could not reveal the source that gave them the document and asked that we keep it confidential. While the substance of the document is not entirely surprising, we have no/no means of independently confirming its authenticity. End Comment.)

16. (C) The issue of "non-traditional" religions figured prominently in Ashimbayev's alleged remarks. He maintained that there are organizations associated with Protestant churches and other "non-traditional" religious groups which are not themselves registered as religious groups but are nevertheless involved in religious education and proselytizing. He called on oblast akims (i.e., regional governors) and government bodies to "administratively curtail" the activities of such organizations. He also ordered an "unofficial moratorium" on the construction of any new religious buildings of "non-traditional" groups, except in special circumstances with the approval of the Religious Issues Committee and the Presidential Administration. He directed that "the sixty or so independent mosques" be brought "under the patronage of the Spiritual Administration of Muslims in Kazakhstan."

17. (C) Ashimbayev admitted that the new religious legislation would bring "greater regulation in the religious sphere." Talking about the mandatory re-registration of all religious groups, he said that "a number of organizations will have to be closed, others supported." "This is our task," Ashimbayev reportedly said, and this work must be

conducted "quietly and precisely," with careful coordination with the central authorities.

COMMENT

18. (C) We fully expect that some form of new religious legislation will become law in the coming months. The fact that the Mazhilis working group further softened the text in response to criticism from civil society and the international community is nevertheless a good sign. Ashimbayev's purported remarks are perhaps not surprising. It has been clear for some time that with the proposed legislation as well as through other initiatives, the government is intent on exercising greater control over "non-traditional" religious groups -- as well as over independent Muslims. Senate Chairman Tokayev promised us in June that the Senate would take into account the recommendations of ODIHR and, if necessary, would make changes in the text ultimately approved by the Mazhilis. We may see very soon whether he keeps to his word. End Comment.

MILAS